

## REMARKS

Applicant appreciates the examiner's thorough examination and consideration of the prior art. Re-examination and reconsideration are respectfully requested in view of the preceding amendment and the following remarks.

Applicant's invention relates to a surgical cannula that allows the physician or other medical personnel to quickly, accurately and reliably adjust the length of the cannula. Not only is the cannula length adjusted quickly and accurately, the telescopically interengaged tubular components of the cannula are locked securely in place so that the selected length is reliably maintained for the duration of the surgical or medical procedure. This beneficial operation is achieved due to applicant's unique length adjusting track, which is found nowhere in the prior art. In particular, applicant employs a track uniquely featuring a longitudinal trough and multiple position-defining lug receivers. This track accommodates a lug carried by the other tubular cannula body. Both the trough and the intersecting lug receivers of applicant's track are formed radially through the peripheral tubular wall of the cannula body in communication with the inner bore of that body. This provides applicant's cannula with a greatly improved operation that is both quick and easy to perform and which is virtually foolproof. Identical or even remotely similar structure is not shown by any of the cited references.

The examiner has rejected claim 14 under 35 U.S.C. §102 as being anticipated by Peterson. That reference discloses a laparoscopic tool having a depth adjustable cannula. An inner cannula section includes a series of projections 112c. These cooperate with a circumferential rib 116b of tubular piece 116 to hold the instrument at a selected depth. A plurality of holes 116a are formed proximate the lower end of piece

116. These individual holes 116a appear to be spaced apart circumferentially about piece 116, but are not spaced apart longitudinally along the lower tube of the cannula.

In contrast to Peterson, applicant's claim 14, as amended, provides for an adjustable length cannula that includes a pair of elongate, telescopically interengaged cannula bodies, each having a generally tubular shape. A first one of the cannula bodies carries a lug that protrudes therefrom. This lug interengages a length adjusting track formed radially through a peripheral tubular wall of the second cannula body and in communication with an inner bore of the second cannula body. The length adjusting track includes a trough formed longitudinally in the peripheral wall of the second cannula body and a plurality of position-defining lug receivers that intersect the trough and extend circumferentially therefrom in the peripheral wall of the second cannula body. The lug receivers are spaced longitudinally apart along the second cannula body. The lug is slidably received in the track and the first cannula body is slidable telescopically relative to the second cannula body such that the lug is positionable adjacent to a selected lug receiver and interengaged with the selected lug receiver by axially rotating the interengaged cannula bodies relative to one another in opposite directions. This provisionally locks the first and second bodies together in a selected one of multiple locking positions defined respectively by the lug receivers and thereby maintains the channels at a selected overall cannula length. New claims 15 and 27 further provide that the lug is carried on an inner cannula body and the above recited track is formed in the outer tubular body. New claims 28 and 29 provide that the position defining lug receivers perpendicularly intersect the trough.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Absence from a cited reference of any element of the claim negates anticipation of that claim by the reference. Kloster Speedsteel AB v. Crucible Inc., 230 USPQ 81 (Fed. Cir. 1986).

Peterson clearly lacks a number of elements, features and limitations required by applicant's amended claims. Quite critically, Peterson does not feature anything even remotely resembling applicant's length adjusting track structure. Indeed, the cited reference utilizes an entirely different position length adjusting structure. Peterson does not disclose a track structure wherein both a trough and intersecting position defining lug receivers are formed radially through a peripheral tubular wall of the cannula body and in communication with an inner bore of that body. The track cited by the examiner comprises an internal rib that is selectively interengaged by the Peterson projections 112c. Neither a trough, receivers, nor any other type of recessed track structure is formed radially through the peripheral tubular wall of Peterson's tubular piece 116. the channel referenced by the examiner is simply the central bore of piece 116. In applicant's amended claims, the track is formed radially through the peripheral wall such that the trough and receivers communicate with the interior bore of the tubular cannula body in which they are formed. Peterson lacks any type of analogous structure. In addition, applicant provides lug receivers that are spaced longitudinally apart along the second cannula body. Please note that applicant has amended "position defining lug guide" as previously used in the claims to now read "position

defining lug receivers” which more closely follows the language used in the specification as originally filed. In any event, the examiner points to elements 116a of Peterson, as disclosing applicant’s position defining lug receivers. Applicant respectfully submits that this is not the case. Applicant’s receivers must be spaced apart longitudinally along the tubular cannula body. It appears that Peterson’s guides 116a are spaced apart circumferentially at equal distances from the lower end of the tubular section. Peterson’s holes 116a are intended to receive the protrusions 118 at the bottom of rod 118b. It does not appear that those holes allow Peterson’s piece 112 to be longitudinally adjusted between a plurality of selected positions.

Applicant’s remaining claims include still additional elements that distinguish applicant’s invention from Peterson. For example, new claim 27 provides that applicant’s lug is carried by the inner tube and the track is formed to extend radially through the peripheral wall of the outer tube. This feature critically distinguishes applicant’s invention both in structure and function from Peterson. As clearly illustrated in the drawings, because applicant’s track (including the trough and the intersecting lug receivers) is formed radially through the outer tube, the track and accommodated lug are clearly visible to the user during operation of the cannula. The operator is able to quickly and unmistakably view and adjust the relative positioning of the lug in the track. As a result, adjusting and maintaining a desired cannula length is facilitated. The length adjustment operation is performed accurately and dependably in a quick and virtually foolproof manner.

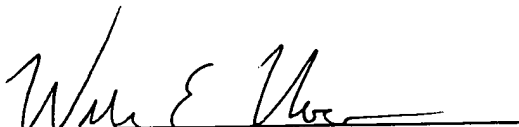
In contrast, Peterson does not employ a track structure that is formed radially through the peripheral wall of an outer cannula tube. Indeed, it is impossible to see the

alleged length adjusting structure of Peterson, including the interengaging rib 116b and protrusions 112c, during operation of the device. These elements are hidden within the telescopically interengaged tubes of Peterson. Adjusting the length of such a device must be done largely by feel and requires considerable guesswork. This is obviously undesirable during a stressful and time sensitive surgical procedure wherein certainty, accuracy and reliability are important considerations. Applicant's invention provides such benefits, which are plainly lacking from Peterson.

In view of the foregoing amendments and arguments, applicant respectfully submits that the claims are now patentably distinguishable over the prior art. Early and favorable action on the application is therefore respectfully requested.

If a telephone conference would help to advance the prosecution of this application, the examiner is invited to telephone the undersigned at (239) 481-0900.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the U.S Postal Service as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of May, 2011.



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